

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

IRENE R. OLSON, M.D.,  
RESPONDENT.

AFFIDAVIT OF SERVICE

Glenda Nelson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on November 16, 1990 she served the following upon the respondent:

FINAL DECISION AND ORDER dated November 15, 1990

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

720 London Road  
Deerfield, WI 53531  
Certified P 568 986 223

Which address appears in the files and records of the Medical Examining Board as the respondent's last known address.

Glenda Nelson

Glenda Nelson  
Department of Regulation and Licensing

Subscribed and sworn to before me  
this 16th day of November, 1990.

Guena J. Randolph

Notary Public  
Dane County, Wisconsin  
My Commission Expires 02/07/93

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

IRENE R. OLSON, M.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

The parties to this action for the purposes of Section 227.53, Wis.  
Stats., are:

Irene R. Olson, M.D.  
720 London Road  
Deerfield, WI 53531

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the  
attached Stipulation as the final disposition of this matter, subject to the  
approval of the Board. The Board has reviewed this Stipulation and considers  
it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and  
makes the following:

FINDINGS OF FACT

1. Irene R. Olson, M.D., Respondent herein, date of birth May 6, 1942,  
is a physician duly licensed and currently registered to practice medicine and  
surgery in the State of Wisconsin, pursuant to license #21197, which was  
granted on August 29, 1977.
2. On July 10, 1980, Dr. J. E. Gutenberg was scheduled to perform a  
pyloromyotomy on Patient A, an 11-week old infant, at St. Mary's Hospital,  
Madison, Wisconsin. Respondent was assigned as the anesthesiologist for the  
operation.
3. Respondent placed a face mask on Patient A in preparation for the  
administration of a general anesthetic. Dr. Gutenberg noticed that  
Respondent was using a mask and immediately instructed Respondent to intubate  
Patient A instead of using a mask.
4. Respondent's conduct, as described in paragraph 3, was below the  
minimum standards of competence for an anesthesiologist and created the  
unacceptable risk of aspiration, which could result in asphyxia and death.

### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Section 448.02(3), Wis. Stats.
2. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Section 227.44(5), Wis. Stats.
3. Respondent's acts and omissions, as set forth in the Findings of Fact, are practice and conduct which tend to constitute a danger to the health, welfare, and safety of the patient, in violation of Section 448.02(3), Wis. Stats., and Section MED 10.02(2)(h), Wis. Adm. Code.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order, that Irene R. Olson's license to practice medicine and surgery in the State of Wisconsin is hereby limited to prohibit any practice of anesthesiology, which limitation shall remain in effect on a permanent basis until removed or modified by Order of the Wisconsin Medical Examining Board.

IT IS FURTHER ORDERED, that if at any time Dr. Olson makes application for the removal or modification of this limitation on her license to practice medicine and surgery in the State of Wisconsin, then all of the following terms, conditions, and requirements apply:

1. Dr. Olson shall appear before the Board to apply for the removal or modification of the limitation and shall provide the Board with the details of an intensive retraining program in the practice of anesthesiology which she proposes to undertake in order to acquire the capability of practicing anesthesiology without causing danger to the health, welfare and safety of the people of the State of Wisconsin. Such a retraining program shall be substantially equivalent to a 1-year approved residency program in the general practice of anesthesiology. Dr. Olson shall pay for all costs incurred in undertaking such a retraining program.
2. If Dr. Olson appears before the Board as specified under paragraph 1, the Board shall determine whether to approve the retraining program proposed by Dr. Olson within 45 days after her appearance before the Board.
3. If the Board withholds approval for a retraining program proposed by Dr. Olson under paragraph 1, this shall not be considered a denial under Section 227.01(3)(a), Wis. Stats., and Dr. Olson shall not be entitled to a hearing on the Board's decision.
4. If the Board grants approval for a retraining program proposed by Dr. Olson under paragraph 1, the Board shall modify the limitation on her license only to the extent necessary to allow Dr. Olson to participate in the

clinical aspects of the retraining program. Dr. Olson shall appear before the Board to provide the Board with evidence that she has satisfactorily completed the retraining program, no later than 60 days after completing the approved retraining program.

5. If Dr. Olson complies with all of the applicable terms, conditions and requirements of paragraphs 1 to 4, and appears before the Board to provide the Board with evidence that she has done so, the Board shall reinstate Dr. Olson's unlimited license to practice medicine and surgery in the State of Wisconsin, no later than 45 days after Dr. Olson before the Board under this paragraph.

IT IS FURTHER ORDERED, that pursuant to the authority of Section 448.02(4), Wis. Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Irene R. Olson, M.D., has violated the terms of this Final Decision and Order or the Stipulation upon which it is based, then the Medical Examining Board may order that the license of Irene R. Olson, M.D., to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

Dated at Madison, Wisconsin this 15 day of November, 1990.



Michael P. Mehr, M.D.  
Secretary  
Medical Examining Board

MPM:JMO:bmj  
ATY-1308

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE TO  
PRACTICE MEDICINE AND SURGERY OF

IRENE R. OLSON, M.D.

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:

STIPULATION

It is hereby stipulated between Irene R. Olson, M.D., and Judith Mills Ohm, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Irene R. Olson, M.D., date of birth May 6, 1942, 720 London Road, Deerfield, Wisconsin, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin pursuant to license #21197, which was granted on August 29, 1977.

2. An investigation of Dr. Olson is pending before the Wisconsin Medical Examining Board, investigative file #84 MED 114. The investigation involves allegations that the medical care and treatment provided by Dr. Olson was below minimum standards of competence for an anesthesiologist.

3. Dr. Olson is aware of and understands each of her rights, including the right to have a disciplinary complaint issued against her; the right to a hearing on the allegations against her, at which time the State has the burden of proving the allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify in her own behalf; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for a rehearing; the right to appeal a final decision to the Wisconsin court system; and all other rights afforded her under the United States Constitution, the Wisconsin Constitution and the Wisconsin Statutes and Administrative Code. Dr. Olson freely, voluntarily and knowingly waives each and every one of these rights.

4. Dr. Olson has elected to retire from the practice of anesthesiology. Dr. Olson neither admits nor denies the allegations involved in the investigation but chooses not to contest this matter in light of her retirement from the practice of anesthesiology.

5. For the purposes of this Stipulation, Dr. Olson agrees that the Wisconsin Medical Examining Board may enter the attached Final Decision and Order without prior notice to any party.

6. Dr. Olson hereby agrees that the Wisconsin Medical Examining Board may limit her license to practice medicine and surgery in the State of Wisconsin, as specified in the attached Final Decision and Order.

7. In consideration of Dr. Olson's agreements under paragraphs 5 and 6, the Wisconsin Medical Examining Board shall close investigative file #84 MED 114 and no formal action shall be commenced as a result of this investigation.

8. The parties to this Stipulation and the Board Advisor may appear before the Board in support of this Stipulation.

9. If any term or condition of this Stipulation and attached Final Decision and Order is not approved by the Wisconsin Medical Examining Board, then no term of this Stipulation and attached Final Decision and Order shall be binding in any manner on any party.

Dated this 20 day of October, 1990.

Irene R. Olson  
Irene R. Olson, M.D.

Dated this 24<sup>th</sup> day of October, 1990.

Judith Mills Ohm  
Judith Mills Ohm, Attorney  
Department of Regulation and Licensing  
Division of Enforcement

JMO:bmj  
ATY-1307

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is November 16, 1990.

WLD:dms  
886-490